

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**SB 77 - HB 633**

March 7, 2013

**SUMMARY OF BILL:** Defines “school” as any K-12 public building, bus, campus, grounds, recreation area, athletic field, or other property owned, used, or operated by a local education agency (LEA) for the administration of any K-12 public educational institution. Authorizes LEA faculty and staff to carry their firearm into a public school: when they are authorized to carry a firearm pursuant to Tenn. Code Ann. § 39-17-1351; when they have received training pursuant to Tenn. Code Ann. § 49-6-4217(b); when no student resource officer has been assigned to carry a firearm or is on duty at the school where the faculty or staff member is employed; and when the carrying of a firearm is during normal school hours or at a school function. Authorizes LEAs to prohibit firearms in their schools. States that any LEA prohibiting firearms on school grounds shall be civilly liable in the event of damage, personal injury, or death that results from a criminal act by any person not authorized to be in a school.

**ESTIMATED FISCAL IMPACT:**

On March 1, 2013, a fiscal note was issued for this bill with a fiscal impact of:

*Other Fiscal Impact – To the extent a criminal act occurs inside a school where firearms have been prohibited by a local education agency (LEA), the LEA may be held liable in civil court, causing local government expenditures to increase by an unknown amount. Otherwise, the fiscal impact of this bill is estimated to be not significant.*

On March 7, 2013, additional information was received from the Department of Education. Based on the revised information, the fiscal impact of the bill is:

**(CORRECTED)**

**Increase Local Expenditures – Exceeds \$1,000,000/Permissive**

**Other Fiscal Impact – To the extent a criminal act occurs inside a school where firearms have been prohibited by a local education agency (LEA), the LEA may be held liable in civil court, causing local government expenditures to increase by an unknown amount.**

**SB 77 - HB 633 (CORRECTED)**

Assumptions:

- According to the Department of Safety, there will not be a significant increase in the number of gun carry permits issued as a result of this bill. Any increase in state revenue and expenditures is estimated to be not significant.
- According to the Department of Education, additional insurance will be purchased by LEAs that elect not to prohibit firearms. The permissive increase in LEA expenditures for additional insurance is estimated to exceed \$1,000,000.
- To the extent an LEA is held liable in civil court for criminal actions committed inside a public school, the respective local government will incur additional expenditures for legal fees and any awards granted in civil courts. The extent of such expenditures cannot be quantified for they are dependent upon multiple unknown factors. Any such expenditures would be considered permissive given the LEA would have opted to prohibit firearms.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', is positioned above the printed name.

Lucian D. Geise, Executive Director

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